

Subject: Fwd: Extreme Disruption at Extera's Board Meeting
From: Jim Kennedy <jkennedy@exteraschools.org>
Date: 3/21/19, 7:59 AM
To: "Thomas Strickler (thomasstrickler@gmail.com)" <thomasstrickler@gmail.com>

FYI

Jim Kennedy, Ed.D.
Chief Executive Officer
Extera Public Schools
Mobile: (818) 506-5831
Office: (323) 261-0059

Begin forwarded message:

From: "Lisa A. Corr" <lcarr@mycharterlaw.com>
Subject: RE: Extreme Disruption at Extera's Board Meeting
Date: March 21, 2019 at 2:26:25 AM PDT
To: Jim Kennedy <jkennedy@exteraschools.org>

Hi Jim,

Thank you for discussing this with me today. Again, I am so sorry that this occurred. I am sure that your staff and board members were very upset.

In the future, please note that Section 54957.9 of the Government Code (part of the Brown Act) allows the Board to take two possible actions in the case of a willful interruption by a group or groups of persons.

1. Removal of individuals who are willfully interrupting the orderly conduct of the meeting; or
2. In the event that the orderly conduct of the meeting cannot be restored by the removal of individuals who are willfully interrupting the meeting, the Board can order the meeting room cleared and continue in session. In this event, representatives of the press, except for those participating in the disturbance, shall be allowed to remain in the meeting.

Also, please note, per Education Code § 32210 any person who willfully disturbs any public school or any public school meeting is guilty of a misdemeanor, and shall be punished by a fine of not more than five hundred dollars (\$500). I would recommend you include notice of this on your meeting notices:

“NOTICE: Any person who willfully disturbs any public school or any public school meeting is guilty of a misdemeanor, and shall be punished by a fine of not more than five hundred dollars (\$500).”

Before you move forward to remove individuals from a meeting due to a disruption or clear the room, I would first recommend that the Board try to quell the disturbance by calmly asking the disruptive individuals to stop disrupting the meeting without having to resort to removal. I know you tried that at your meeting and all attempts were met with continued disturbance by the group. Additionally, I would not hesitate to seek the assistance of law enforcement in removing disruptive individuals. You may not have success in removing individuals or clearing the room without law enforcement.

In the event that any employee or volunteer (including board members) are victims of violence or a credible threat of violence Extera may want to consider seeking a workplace violence injunction (a restraining order) to protect the victim. "Credible threat of violence" means intentionally saying something or acting in a way that would make a reasonable person afraid for his or her safety or the safety of his or her family. A "credible threat of violence" includes following or stalking someone, or making harassing calls or sending harassing messages by phone, mail, or e-mail, over a period of time (even if it is a short time). In the situation that arose at your board meeting, I believe that you may have had grounds for a workplace violence injunction with regard to the board member whose car was surrounded and the principal that was followed. That said, if you do not know the individuals who engaged in that behavior, we would need further law enforcement assistance to gather more information for any future incident.

There are quite a few other laws that would allow you to oust an individual disrupting the peaceful operation of the school. I am summarizing these laws below:

1. Penal Code Section 626.4. The chief administrative officer of a campus or other facility of a school, or an officer or employee designated by the chief administrative officer to maintain order on such campus or facility, may notify a person that consent to remain on the campus or other facility under the control of the chief administrative officer has been withdrawn whenever there is reasonable cause to believe that such person has willfully disrupted the orderly operation of such campus or facility. The withdraw of consent can be for up to fourteen (14) days and individuals must be notified of their right to a hearing.
2. Penal Code Section 626.7. If a person who is not a student, officer, or employee of a public school, and who is not required by his or her employment to be on the campus or any other facility owned, operated, or controlled by the governing board of that school, enters a campus or facility outside of the common areas where public business is conducted, and it reasonably appears to the chief administrative officer of the campus or facility, or to an officer or employee designated by the chief administrative officer to maintain order on the campus or facility, that the person is committing any act likely to interfere with the peaceful conduct of the activities of the campus or facility, or has entered the campus or facility for the purpose of committing any such act, the chief administrative officer or his or her designee may direct the person to leave the campus or facility. If that person fails to do so or if the person returns without following the posted requirements to contact the administrative offices of the campus, he or she is guilty of a misdemeanor. Please note that this Section specifically states that it the Section cannot be utilized to impinge upon an individual's free speech rights or freedom of assembly. As such, if the protestors merely spoke during public comment, held up signs, etc. it could not be utilized.

3. Penal Code Section 626.8 allows the school to direct a person who comes into any school building or any school ground, street, sidewalk, or adjacent public way without lawful business thereon and whose presence or acts interfere with the peaceful conduct of the activities of the school or disrupt the school or its pupils or school activities, to leave for seven (7) days.
4. Education Code Section 44811 states that any parent, guardian, or other person whose conduct in a place where a school employee is required to be in the course of his or her duties materially disrupts classwork or extracurricular activities or involves substantial disorder is guilty of a misdemeanor.

I have attached a form that you can utilize to oust a disruptive individual from campus (with or without law enforcement support). This form would be followed with a formal letter describing the length of the removal. Please tailor with your letterhead and remove the footer before utilizing. We can assist you in tailoring further and with the follow up letter as well.

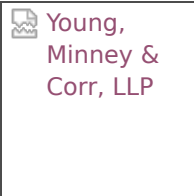
Please let us know if you have any questions regarding this email or any of the laws described herein.

Best,

Lisa

Lisa A. Corr

Partner | Attorney at Law | Sacramento Office



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Young, Minney & Corr, LLP

655 University Ave, Suite 150, Sacramento, CA 95825

lcorr@mycharterlaw.com

T: 916.646.1400 | F: 916.646.1300 | C: 916.801.7268

www.mycharterlaw.com

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From: Jim Kennedy <jkennedy@exteraschools.org>

Sent: Wednesday, March 20, 2019 12:43 PM

To: Lisa A. Corr <lcorr@mycharterlaw.com>

Subject: Extreme Disruption at Extera's Board Meeting

Hi Lisa,

Yesterday a group of parents from our Eastman co-location, lead by a UTLA parent organizer and accompanied by a few teachers and others, shut down our board meeting. There were about 30 protestors outside and about a dozen inside the board meeting. They were extremely disruptive: chanting throughout the meeting, interrupting with loud comments, holding cell phones in everyone's faces, and other outrageous behavior. They were out of control, particularly the UTLA parent rep, and the meeting had to be shut down. Outside, they surrounded board members' cars as they attempted to leave and created all kinds of chaos at our home office. They walked through our offices following our staff, taking videos, provoking them with comments, etc.

We have never experienced any incident like this before, and we are working now to put in place strategies for how to deal with this in the future. It seemed clear that

they are intending to attend our board meeting next month.

One question I have is whether or not there is any basis for legal action. Their actions were incredibly disruptive and stressful for our operations and staff. For example, the UTLA person followed one of our principals into an Extera office with her phone, videotaping her as she pursued her. The UTLA person was narrating the video, saying “I want to know who this is. Let’s find out who this person is.” As she followed her, the principal tripped on the door jam. She reached out to catch herself and bumped the UTLA person, who dropped her phone. Then the UTLA person stated, “Did you see that? She just knocked the phone out of my hand!” That was highlighted on social media (Facebook) where the video has about 5,000 hits so far. Viewers responded to what they were seeing by saying, “That b*#@&” and so forth.

I would like to understand if there is any possibility for a price to be paid for their actions and what recourse we might have to pursue it.

Do we tolerate these actions without legal action, or do you believe there is legal action that we could take?

Thank you,

Jim

Jim Kennedy, Ed.D.
Chief Executive Officer
Extera Public Schools
Mobile: (818) 506-5831
Office: (323) 261-0059

— Attachments: —

image543000.png	3.0 KB
image628001.png	987 bytes
NOTICE OF ORDER TO IMMEDIATELY LEAVE SCHOOL PROPERTY 090916.doc	25.5 KB